

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
FILED

NOV 29 2006

RICHARD W WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

No. CR 06-0692 PJH (EMC)

Plaintiff,

v.

IL UNG KIM, YOUNG BAE RHA, and
GARY SWANSON,

Defendants.

**ORDER RELEASING DEFENDANT
SWANSON ON OWN RECOGNIZANCE**

Pursuant to agreement of the parties and this Court's approval, Defendant Gary Swanson is hereby released on his own recognizance pending trial on the conditions enumerated in the letter of November 1, 2006, attached hereto as Exhibit A.

IT IS SO ORDERED.

Dated: November 29, 2006


EDWARD M. CHEN
United States Magistrate Judge

EXHIBIT A



U.S. Department of Justice

Antitrust Division

San Francisco Office

450 Golden Gate Avenue

Box 36046

San Francisco, California 94102

Telephone (415) 436-6660

Telecopier (415) 436-6687

November 1, 2006

FAX TRANSMITTAL 415/789-0159 AND U.S. MAIL

John McLean, Esq.
Law Offices of John McLean
45 Seafirth Rd.
Tiburon, CA 94920

Re: United States v. I.U. Kim, et al., CR 06-0692 (PJH)

Dear Jack:

This letter will confirm our conversation today in which we agreed that your client, Gary Swanson, will be subject to the following conditions of release after his arraignment on the above entitled Indictment. The United States and Mr. Swanson agree to the following terms and conditions:

1. Defendant shall appear at all proceedings as ordered by the Court and shall surrender for service of any sentence imposed.
2. Defendant shall not commit any federal, state, or local crime.
3. Defendant shall not harass, threaten, intimidate, injure, tamper with, or retaliate against any witness, victim, informant, juror, or officer of the Court, or obstruct any criminal investigation. See 18 U.S.C. §§ 1503, 1510, 1512, and 1513.
4. Defendant shall have no contact with any co-defendant out of the presence of counsel.
5. Defendant shall have no communications about this case with any current or former employee of Hynix Semiconductor, Inc. or its subsidiaries, including Hynix Semiconductor America, Inc.

It is also agreed that Mr. Swanson will be released on his own recognizance until

conviction, and the government will not request any bond or request any travel restrictions for Mr. Swanson during the pendency of the case.

Please contact me if you disagree with any of the terms described in this letter. Thank you very much for your cooperation on this matter.

Sincerely,

Niall E. Lynch
Assistant Chief